
STATE SUPERFUND

The South Carolina General Assembly approved legislation creating the Department of Health and Environmental Control's (DHEC's) regulatory program for hazardous waste management in March 1980. DHEC administers the Site Assessment and Remediation Program (SAR) which addresses uncontrolled hazardous waste sites under authority granted by the SC Hazardous Waste Management Act which adopted the Federal CERCLA ("Superfund") law by reference. Subsequent legislation provided for assessment of fees for land disposal of hazardous waste and created the State Hazardous Waste Contingency Fund, known as the "State Superfund." The State Superfund receives its money from fees charged on hazardous and non-hazardous waste disposed of at the Laidlaw-GSX Facility. The funds are used to clean up uncontrolled and abandoned hazardous waste sites in the state, and to match the funds given by the Federal government to cleanup sites that make the Federal National Priorities List (NPL). It is also used for cleanup of "beside the road" dumpings of hazardous waste.

There has been considerable progress in DHEC's efforts to cleanup uncontrolled hazardous waste sites in SC although a complex process is involved in solving problems that have taken

decades to develop. For example, many sites have been abandoned by bankrupt firms or are the product of a "midnight" dumping, causing the contamination to remain unknown and undiscovered for years. This problem provides the multiple challenges of identifying the materials involved, the persons responsible, and defining the true extent of the problem and its associated risk. Even though information on the chemicals used at a facility is often available, identifying the source and nature of the contamination is very difficult. Considerable resources must be invested to properly sample and analyze materials which are frequently volatile, reactive, explosive, and/or poisonous.

In addition, DHEC and its contractors are often forced to complete time consuming and expensive jobs due to the unwillingness or inability of private parties to effectively manage remedial actions. Searches for responsible parties to pay for investigations and corrective actions at a site can be exhaustive and slow, but State law mandates that DHEC attempt to recover all expended funds. As a result, legal issues frequently add to the complexity of cleanups. DHEC also attempts to negotiate settlements for voluntary cleanups to avoid expenditures from the "State Superfund." These

voluntary agreements can avoid time consuming and expensive litigation often associated with convincing non-cooperative parties to respond.

The initial step in determining whether a site qualifies for federal assistance is called the Hazard Ranking System (HRS). This system evaluates sites for inclusion on the NPL, which is a list of the nation's most contaminated or highest ranked sites. If a site is not listed on the NPL, it is placed on the Site Assessment and Remediation Project List. DHEC uses a ranking system designed to help set priorities for cleanup of uncontrolled hazardous waste sites in SC which do not qualify for the NPL. This system evaluates sites on the basis of human health impacts.

In SC, there are approximately 600 sites on the SAR Project List and twenty-six (26) sites on the NPL. In FY'97, program staff worked on a total of 152 sites. Again, the State Contingency Fund, or "State Superfund", is financed from fees on wastes disposed of at the Laidlaw-GSX facility in Pinewood, SC. This program began in 1980 when a fee of \$1.50 per ton of hazardous waste was imposed. Since 1980, the General Assembly has modified the fees to include non-hazardous wastes and increased fees to the current rate of \$34.00 per ton for hazardous waste and \$13.70 per ton for non-

hazardous waste.